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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

10 In the matter of

11 JEROME TALLEY,

12 Respondent.  
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CASE NO. MC15-164 MJP

MINUTE ORDER

16 The following minute order is made by the direction of the court, the Honorable Marsha  
17 J. Pechman, United States District Judge:

18 Respondent filed a series of new pleadings which appear to comprise a habeas corpus  
19 petition and request to proceed *in forma pauperis*. The new pleadings were received on October  
20 5 and 10, 2017 and docketed on October 18, 2017. (Dkt. Nos. 38 and 39.)

21 Respondent is currently under a Bar Order entered on November 25, 2015. (Dkt. No. 3.)  
22 Among the conditions which must be met in order for any civil action filed by Respondent to  
23 proceed are the following:  
24

1 (1) Respondent Jerome Talley is prohibited from filing any civil action in the Western  
2 District of Washington unless the complaint or petition is accompanied by a signed  
3 affidavit stating under penalty of perjury that the complaint contains new allegations  
4 not previously litigated. Mr. Talley may not proceed *in forma pauperis* in any § 1983  
5 or *Bivens* action without a showing that he is in imminent danger of serious bodily  
injury or death. Any complaint or petition filed by Mr. Talley that is not  
accompanied by a signed affidavit and/or an imminent danger showing will not be  
filed.

\* \* \* \*

6 (4) Any other document that appears to be a civil action and that is accompanied by the  
7 full filing fee will be docketed in this case, No. 3:15-mc-164 MJP, and reviewed by  
8 the Chief Judge, who will determine whether the case may proceed.

9 (*Id.* at 2.)

10 Turning first to the request for IFP status, it appears that the newest pleadings are neither a  
11 § 1983 complaint nor a *Bivens* action, therefore Respondent is not required to make a showing of  
12 imminent danger of serious bodily injury or death.<sup>1</sup> Respondent does allege a level of financial  
13 impoverishment that entitles him to proceed IFP, and that application will be granted.

14 Regarding his petition for habeas relief, Respondent meets the other condition of his bar  
15 order; namely, he declares that he has not litigated the matter at issue previously. On that basis,  
16 he would be entitled to have this petition assigned a new case number and proceed forward.

17 However, the Court is unable to so order at this point for the following reason:  
18 Respondent lists himself as the petitioner, but the respondent to the petition is listed simply as  
19 "Superintendent." Not only is no name provided, but the designation "Superintendent" does not  
20 even indicate the position which the intended respondent holds, nor by whom that person is

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22  
23 <sup>1</sup> Nevertheless, Respondent does include a "Declaration of Jerome Talley" in which he alleges that his physical  
24 safety has been threatened and he is currently being housed in the "intensive management unit for [his] personal  
security."

1 employed. Under those circumstances, service of process would be impossible and the Court  
2 cannot permit the petition to proceed.

3 Respondent may re-file the petition with a properly-described opposing party such that  
4 service of the petition would be possible. Upon doing so, this petition will be permitted to  
5 proceed.

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7 The clerk is ordered to provide copies of this order to all counsel.

8 Filed October 18, 2017.

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10 William M. McCool  
Clerk of Court

11 s/Paula McNabb  
Deputy Clerk  
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